

# REMINDER

6:00 PM

WORKSESSION

LITTLE RIVER DAM

7:00 PM

REGULAR MEETING



**City of Radford Council Agenda**  
**Meeting Number 17 of F.Y. 2015-2016**

**April 25, 2016 at 7:00 p.m.**  
**10 Robertson St., Radford, VA**

**6:00 Work Session - Little River Dam**  
**7:00 Regular Meeting**

**CALL TO ORDER**  
**PLEDGE OF ALLEGIANCE**  
**INVOCATION**

**MINUTES APPROVAL:** April 11, 2016 – regular meeting  
April 19, 2016 – special meeting

**RESOLUTION:** Robert “Big Al” Hall Humanitarian Service-Above-Self Citizenship Award

**PROCLAMATIONS:** Older American Month  
Law Enforcement Officers Week

**REPORT:** Poverty Statistic

**OLD BUSINESS:**

1. Consider second reading of Ordinance # 1682: F.Y. 16-17 Budget
2. Consider second reading of Ordinance # 1683: 2016 Tax Rate

**CITIZEN COMMENTS ON PUBLIC MATTERS:**

(Please state your name for the record – Please limit comments to 3 minutes or less)

**NEW BUSINESS:**

1. Consider F.Y. 2017 City Rates/Fees Resolution
2. Consider Appropriation Ordinance 1673.27: \$5,155 State Asset Forfeiture
3. Consider Scheduling a public hearing to receive comments regarding a Special Use Permit request from East Radford Development Corp.
4. Consider amending the Industrial Center Covenant – TechLab

**CITY MANAGER COMMENTS**  
**CITY ATTORNEY COMMENTS**  
**COUNCIL MEMBERS COMMENTS**

***Future Meetings:***  
***May 9, 2016 - Regular meeting, 7:00 pm***  
***June 13, 2016 – Regular meeting, 7:00 pm***

*The "New River" City*  
**10 Robertson St.                      April 11, 2016                      Radford, Virginia**  
**Regular Meeting Number 16 of Radford City Council, F.Y. 2015-2016**

The work session meeting of the Radford City Council was convened at 5:30 p.m. in Council Chambers, 10 Robertson Street, Radford, VA. The Mayor of the City, Dr. Bruce Brown, was present and presiding. Other members of City Council present were Dr. Richard Harshberger, Mr. Daniel Keith Marshall, Mr. Robert Nicholson III, and Mr. David Michael Turk.

Others present were as follows:

Mr. David Ridpath, City Manager  
Ms. Melissa Skelton, City Clerk  
Mrs. Chelista Linkous, Assistant Finance Director  
Mr. Donald Goodman, Police Chief  
Mrs. Jenni Wilder, Public Information Officer

City Council discussed the F.Y 2017 Budget

No action was taken related to the above-mentioned item

The regular meeting of the Radford City Council was convened at 7:00 p.m. in Council Chambers, 10 Robertson Street, Radford, VA. The Mayor of the City, Dr. Bruce Brown, was present and presiding. Other members of City Council present were Dr. Richard Harshberger, Mr. Daniel Keith Marshall, Mr. Robert Nicholson and Mr. David Michael Turk.

Others present were as follows:

Mr. David Ridpath, City Manager  
Ms. Melissa Skelton, City Clerk  
Mrs. Gail Cook DeVilbiss, City Attorney

Following the Pledge of Allegiance, led by Mayor Brown, and the invocation was led by Chaplain James Henegar.

**MINUTE APPROVALS:** On a motion by Dr. Harshberger seconded by Mr. Marshall, that the minutes for March 28, 2016 are approved as presented.

**VOTE:**

AYES:            Dr. Harshberger, Mr. Marshall, Mr. Nicholson, Mr. Turk, Mayor Brown  
NAYES:        None-0

**RESOLUTION**

**SUBJECT: Honoring President Penelope W. Kyle**

**SUMMARY:** The resolution recognizes the accomplishments and contributions of Retiring Radford University President, Penelope Kyle. She is the sixth University and has served since 2005 with or an extensive list of accomplishments.

Dr. Harshberger read the resolution for the benefit of the audience.

**CITY OF RADFORD  
RESOLUTION  
HONORING PRESIDENT PENELOPE W. KYLE, J.D.**

**WHEREAS**, the City of Radford wishes to honor the service and contributions of Radford University President Penelope W. Kyle, J.D., and

**WHEREAS**, President Kyle has served as Radford University's sixth president since June 1, 2005 and was the university's first female president, and

**WHEREAS**, President Kyle came back to her Southwest Virginia roots, having grown up in Galax, and her love for the region is evident through her civic involvement, and

**WHEREAS**, President Kyle has provided over a decade of leadership and service to the institution, region, community and the Commonwealth, and

**WHEREAS**, Radford University has expanded under the leadership of President Kyle, from the addition of the university's first ever doctoral programs to several enrollment records, including the largest freshman class in school history in 2012, and

**WHEREAS**, the university's commitment to academic excellence and student-centered learning is reflected in a transformative building and renovation campaign, and

**WHEREAS**, with support from the General Assembly, Radford University has secured funding for more than 330 million dollars in capital projects, including both new construction and renovation, since 2005, and

**WHEREAS**, President Kyle has been an advocate and ambassador of the City of Radford and Radford University, promoting all the possibilities and opportunities a Radford education provides, and

**WHEREAS**, President Kyle has championed projects such as the establishment of Radford Transit, in partnership with the City of Radford, the public transit system began in 2011 and has since served over 1,242,500 passengers, and

**WHEREAS**, under President Kyle's leadership Radford University has remained a strong force in the Radford economy with over 408 full time employees living in the city, and

**WHEREAS**, the Scholar Citizen initiative, started under her tenure, has empowered students to volunteer and embrace the Radford community, with many student athletes and student groups volunteering in Radford City Public Schools and assisting with community service projects, and

**WHEREAS**, Radford has been the host of Virginia Governor's School, Virginia Boy's State and the Virginia High School League Spring Jubilee throughout much of her tenure as president, and

**WHEREAS**, President Kyle has continued the partnership with the City of Radford to promote cultural experiences within the community, including events such as the Radford Highlanders Festival, and

**WHEREAS**, in addition to her duties as president of Radford University, Penelope Kyle has served the Southwest Virginia community and the entire Commonwealth as a member of numerous boards and commissions, including the board of directors for the Roanoke Regional Chamber of Commerce and the Foundation for Educational Exchange between the United States and Canada, the Knight Commission on Intercollegiate Athletics, and the Governor's Task Force on Combating Campus Sexual Violence; and

**WHEREAS**, President Kyle's legacy will continue through the Radford community, even after retirement, as Radford University remains one of the "Best Colleges and Universities in the Southeast."

**NOW, THEREFORE BE IT RESOLVED**, that the Radford City Council does hereby honor and thank President Penelope W. Kyle for her eleven years of service and leadership to Radford University and the lasting impact her influence will have on the field of education and City of Radford.

Attest

\_\_\_\_\_  
Melissa Skelton, City Clerk

\_\_\_\_\_  
Bruce E. Brown, Mayor, City of Radford

Adopted: April 11, 2016

**ACTION:** Dr. Harshberger made a motion to the resolution as presented, Mr. Nicholson seconded the motion.

**VOTE:**

**AYES:** Dr. Harshberger, Mr. Marshall, Mr. Nicholson, Mr. Turk, Mayor Brown

**NAYES:** None-0

**REPORT: Public Library**

**SUMMARY:** Toni Cox, Library Director, presented an overview of the popular and extensive services of our local library. Barbara Tate, Youth Coordinator, shared she is doing outreach throughout the community. And Shared the STEM program, and how she connects to learning skills. For the efforts been doing a make your space and incorporate 21<sup>st</sup> century.

**PROCLAMATION**

**SUBJECT: National Library Week**

**SUMMARY:** April 10-16, 2016 is "National Library Week". The week recognizes the significant contributions that libraries make in meeting the communities; economic needs, providing a place for education, opportunities for life-long learning, as well as offering a host of community services for citizens of all age.

Mr. Turk read the proclamation for the benefit of the audience.

**City of Radford  
Resolution Honoring Jim Graham  
Recipient of the Robert Allen Hall Humanitarian Service-Above Self Citizenship Award**

**WHEREAS,** the City of Radford wishes to honor Robert Allen "Big Al" Hall by establishing a Humanitarian Service- Above-Self Citizenship Award, and

**WHEREAS,** the establishment of this award will recognize unsung heroes that contribute to make the City of Radford a better place, and

**WHEREAS,** a humanitarian is recognized as one who extends benevolence and kindness, by putting others before one's self, and

**WHEREAS,** the City of Radford wishes to recognize and honor the hard work and dedication of Jim Graham to the City of Radford's Community Garden; and

**WHEREAS,** Jim founded the Radford Community Garden in 2012; and

**WHEREAS,** Jim continues to spend countless hours organizing and coordinating efforts to ensure the community garden's success; and

**WHEREAS,** the Radford Community Garden has 30 garden plots, all of which are occupied by Radford citizens who use the plots to grow fresh produce and plants; and

**WHEREAS,** Jim's stewardship over the Radford Community Garden can be seen year after year, with citizens returning to grow crops and countless others signing up for their first gardening season within the garden, and

**WHEREAS,** Jim shows his love for the Radford community and environment by dedicating his time and talent to make the Radford Community Garden successful and enjoyable for all who participate.

**NOW THEREFORE BE IT RESOLVED,** that the Radford City Council does hereby honor Jim Graham for his years of dedication and service to the Radford Community Garden, by presenting him with the Robert Allen "Big Al" Hall Humanitarian Service-Above-Self Citizenship Award.

**ACTION:** Mr. Turk made a motion to the proclamation as presented, Mr. Marshall seconded the motion.

**VOTE:**

**AYES:** Dr. Harshberger, Mr. Marshall, Mr. Nicholson, Mr. Turk, Mayor Brown

**NAYES:** None-0

**PUBLIC HEARING:**

**SUBJECT:** Amendment to Chapter 32: Stormwater Management, adoption of new Article II: Illicit Discharge

**SUMMARY:** The City adopted Ordinance #1661 in October, 2014 to address regulations associated with new Virginia Stormwater Management Act. The Act addresses requirements for local stormwater quality plans related to pollution prevention, permitting, record keeping, inspections, public education and enforcement. City has been advised by DEQ to address “illicit discharge”. The proposed Ordinance #1681 establishes regulations to address uncontrolled discharge of pollutants into the local Municipal Storm System.

Mayor Brown opened the public input hearing at 7:34.

John McCandlish asked if this has any question of railway roadbeds that came into question during General Assembly.

Mayor Brown closed the public input hearing at 7:35

*Clerks note: Notice of the public hearing has been duly advertised.*

**CITIZENS COMMENTS:**

None

**NEW BUSINESS**

**SUBJECT:** Consider first reading of Ordinance #1681: Amendment to Chapter 32: Stormwater Management, adoption of new Article II: Illicit Discharge

**ACTION:** Deferred to the April 25, 2016 meeting.

**CITY MANAGERS COMMENTS:**

Mr. Ridpath shared that the ballfields are picking up with activity. The new multipurpose field is up and operational. He stated that we are continued to be plagued with weather issues. All of the crews are doing a fabulous job cleaning up after them. He informed them that the next time they meet we will do a worksession on the Hydro Dam.

He shared that Tracy Howard wanted to let council know that the new voting machines are in and can go by his office anytime to see how they work.

And to follow up with economic development discussion they had at their last meeting, we have some very positive ribbon cuttings that happened this past weekend and hopefully see many more of these as we move forward.

**CITY COUNCIL COMMENTS:**

Dr. Harshberger shared that the City/University Joint Commission had a meeting in which a number of topics were discussed, one of them was the encroachment of student rental into the residential neighborhoods, and they are planning on having a neighborhood meetings with receptions including the City and University, and conduct it in a non-confrontational manner, to address how to avoid predictable issues. He also mentioned that Jenni Wilder has been working with the University with their Day of Service event and getting their involvement with our newly revamped Adopt-a-Spot program and river clean up. The Commission was concerned about the safety issues around the university and asked Mr. Ridpath to share what we have done to make improvements.

Mr. Ridpath informed Council that a new lighted pedestrian crossing has been installed and will be trying this out to see if it is effective.

Dr. Harshberger also shared that April is sexual assault month and Radford University has a number of activities on campus that have to do with sexual assault awareness.

He also asked if it was possible to have 2 hour parking in the Farmers Market lot like the rest of Main Street.

Mr. Ridpath shared there is a small committee looking at all of the parking downtown and this is one of the things we are looking at.

Mayor Brown asked Lynn Burress to let schools know how proud we are with them with the inclusion day and informed the audience that we have student government day, one week from tomorrow.

There has been a lot of activity with economic development. Council members have met with developers in the community, Mr. Marshall has been working on a poverty initiative, and Mr. Turk is working with Basil Edwards on the foundry property. He feels very positive about the initiatives that they all have taken.

Mr. Marshall made a motion, seconded by Dr. Harshberger to convene a closed meeting for the purpose of Discussion, consideration, or interviews of prospective candidates for employment; assignment, appointment, promotion, performance, demotion, salaries, disciplining, or resignation of specific public officers, appointees, or employees of any public body; and evaluation of performance of departments, under Virginia Code Section 2.2-3711 (A) (1).

**VOTE:**

AYES: Dr. Harshberger Mr. Marshall, Mr. Nicholson, Mr. Turk, Mayor Brown

NAYES: None-0

No action was taken in the closed meeting.

Mr. Marshall made a motion to adjourn the closed meeting, Dr. Harshberger seconded the motion.

**VOTE:**

AYES: Dr. Harshberger Mr. Marshall, Mr. Nicholson, Mr. Turk, Mayor Brown

NAYES: None-0

Mr. Marshall made a motion to re-convene the regular meeting, Dr. Harshberger seconded the motion.

**VOTE:**

AYES: Dr. Harshberger Mr. Marshall, Mr. Nicholson, Mr. Turk, Mayor Brown

NAYES: None-0

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**CERTIFICATION OF THE CLOSED MEETING:**

Mr. Marshall made a motion that Council did not discuss anything in the closed meeting other than the three items for which it was convened, Dr. Harshberger seconded the motion.

**VOTE:**

AYES: Dr. Harshberger Mr. Marshall, Mr. Nicholson, Mr. Turk, Mayor Brown

NAYES: None-0

Mr. Marshall made a motion to adjourn the meeting at 8:06 p.m., seconded by Dr. Harshberger.

**VOTE:**

AYES: Dr. Harshberger, Mr. Marshall, Mr. Nicholson, Mr. Turk, Mayor Brown

NAYES: None-0

**ATTEST:**

\_\_\_\_\_  
Melissa A. Skelton, City Clerk of Council



10 Robertson St.

*The "New River" City*

April 19, 2016

Radford, Virginia

Special Meeting Number 1 of Radford City Council, F.Y. 2015-2016

The regular meeting of the Radford City Council was convened at 6:00 p.m. in Council Chambers, 10 Robertson Street, Radford, VA. The Mayor of the City, Dr. Bruce Brown, was present and presiding. Other members of City Council present were Dr. Richard Harshberger, Mr. Daniel Keith Marshall, Mr. Robert Nicholson and Mr. David Michael Turk.

Others present were as follows:

Mr. David Ridpath, City Manager

Ms. Melissa Skelton, City Clerk

Mr. Basil Edwards, Economic Developer

Mr. Donald Goodman, Chief of Police

Following the Pledge of Allegiance, led by Mayor Brown, an invocation was pronounced by Vice-Mayor Marshall.

**PUBLIC HEARING**

**SUBJECT: F.Y. 2016-17 Budget**

**SUMMARY:** A public hearing was scheduled to consider comments from the public regarding the F.Y. 2016-17 Budget. Mr. Ridpath, City Manager and Rob Graham, School Superintendent both provided a brief overview of the City and Schools budget.

Mayor Brown opened the public input hearing at 6:27 p.m.

No Comment

Mayor Brown closed the public input hearing at 6:27 p.m.

*Clerks note: Notice of the public hearing has been duly advertised.*

**SUBJECT: F.Y. 2016 Tax Rate**

**SUMMARY:** A public hearing is scheduled to consider comments from the public regarding the F.Y. 2016 Tax Rate.

Mayor Brown opened the public input hearing at 6:29 p.m.

No Comment

Mayor Brown closed the public input hearing at 6:29 p.m.

*Clerks note: Notice of the public hearing has been duly advertised.*

**CITIZEN COMMENTS:** None

**SUBJECT: Consider Ordinance # 1682: FY 2016 – 2017 Budget**

**SUMMARY:** This ordinance will approve the F.Y.16-17 Annual Budget for the City of Radford and Radford City School Board. As proposed, the total budget will be \$60,732,296.

**ACTION:** Mr. Nicholson made a motion to place Ordinance # 1682 on its first reading, seconded by Dr. Harshberger.

**VOTE**

**AYES:** Dr. Harshberger, Mr. Marshall, Mr. Nicholson, Mr. Turk, Mayor Brown

**NAYES:** None-0

**SUBJECT: Consider Ordinance #1683: Establishes the 2016 Tax Rate**

**SUMMARY:** This ordinance will approve the F.Y.16 Tax Rate with Real Estate Tax Rate of \$ 0.76, Personal Property at \$2.44, Machinery and Tools at \$1.76, and other personal property at \$1.76.

**ACTION:** Mr. Marshall made a motion to place Ordinance #1674 on its first reading, seconded by Mr. Turk.

**VOTE:**

**AYES:** Dr. Harshberger, Mr. Marshall, Mr. Nicholson, Mr. Turk, Mayor Brown

**NAYES:** None-0

**CITY MANAGERS COMMENTS – No Comments**

**CITY COUNCIL COMMENTS**

Mr. Nicholson shared that it was a very successful Student in Government Day.

Dr. Harshberger agreed with Mr. Nicholson.

Mayor Brown asked Mr. Ridpath to pass along to staff, how proud they are with their involvement in the Student Government Day.

Mr. Marshall made a motion to adjourn the meeting at 6:34 p.m., seconded by Dr. Harshberger.

**VOTE:**

**AYES:** Dr. Harshberger, Mr. Marshall, Mr. Nicholson, Mr. Turk, Mayor Brown

**NAYES:** None-0

**ATTEST:**

\_\_\_\_\_  
Melissa A. Skelton, City Clerk of Council



**City of Radford**

**Resolution Honoring Jim Graham**

**Recipient of the Robert Allen Hall Humanitarian Service-Above Self Citizenship Award**

**WHEREAS**, the City of Radford wishes to honor Robert Allen “Big Al” Hall by establishing a Humanitarian Service- Above-Self Citizenship Award, and

**WHEREAS**, the establishment of this award will recognize unsung heroes that contribute to make the City of Radford a better place, and

**WHEREAS**, a humanitarian is recognized as one who extends benevolence and kindness, by putting others before one’s self, and

**WHEREAS**, the City of Radford wishes to recognize and honor the hard work and dedication of Jim Graham to the City of Radford’s Community Garden; and

**WHEREAS**, Jim founded the Radford Community Garden in 2012; and

**WHEREAS**, Jim continues to spend countless hours organizing and coordinating efforts to ensure the community garden’s success; and

**WHEREAS**, the Radford Community Garden has 30 garden plots, all of which are occupied by Radford citizens who use the plots to grow fresh produce and plants; and

**WHEREAS**, Jim’s stewardship over the Radford Community Garden can be seen year after year, with citizens returning to grow crops and countless others signing up for their first gardening season within the garden, and

**WHEREAS**, Jim shows his love for the Radford community and environment by dedicating his time and talent to make the Radford Community Garden successful and enjoyable for all who participate.

**NOW THEREFORE BE IT RESOLVED**, that the Radford City Council does hereby honor Jim Graham for his years of dedication and service to the Radford Community Garden, by presenting him with the Robert Allen “Big Al” Hall Humanitarian Service-Above-Self Citizenship Award.

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Dr. Bruce Brown, Mayor

ATTEST: \_\_\_\_\_  
Melissa Skelton, City Clerk

Adopted: April 25, 2016



*City of Radford*  
**PROCLAMATION**  
**OLDER AMERICANS MONTH 2016**

**Whereas,** the City of Radford includes a thriving community of older Americans who deserve recognition for their contributions and sacrifices to ensure a better life for future generations; and

**Whereas,** the City of Radford is committed to helping all individuals live longer, healthier lives in the communities of their choice for as long as possible; and

**Whereas,** since 1965, the Older Americans Act has provided services that help older adults remain healthy and independent by complementing existing medical and health care systems, helping prevent hospital readmissions, and supporting some of life's most basic functions, such as bathing or preparing meals; and

**Whereas,** these programs also support family caregivers, address issues of exploitation, neglect and abuse of older adults, and adapt services to the needs of Native American elders; and

**Whereas,** we recognize the value of community engagement and service in helping older adults remain healthy and active while giving back to others; and

**Whereas,** our community can provide opportunities to enrich the lives of individuals of all ages by:

- Promoting and engaging in activity, wellness, and social inclusion.
- Emphasizing home- and community-based services that support independent living.
- Ensuring community members of all ages benefit from the contributions and experience of older adults.

**NOW, THEREFORE,** be it resolved that the City Council of the City of Radford, do hereby proclaim May 2016 to be Older Americans Month and urges every resident to take time this month to celebrate older adults and the people who serve and support them as powerful and vital individuals who greatly contribute to the community.

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Bruce E. Brown, Mayor  
City of Radford



**PROCLAMATION  
LAW ENFORCEMENT OFFICERS'  
MEMORIAL WEEK**

***To recognize National Police Week 2016 and to honor the service and sacrifice of those law enforcement officers killed in the line of duty while protecting our communities and safeguarding our democracy.***

**WHEREAS**, the safety and well-being of the citizens of Radford are of the utmost importance to the prosperity and livelihood of Radford's families and community; and

**WHEREAS**, individuals have committed their lives to protecting and serving Radford's families, businesses, neighborhoods, schools and community; and

**WHEREAS**, these individuals risk their lives in the line of duty to maintain the safety of our community while striving to uphold the rule of law; and

**WHEREAS**, all citizens of Radford value the courage, commitment and leadership demonstrated by our state and local law enforcement officers, who work diligently to ensure our safety; and

**WHEREAS**, we pay tribute to the officers who have fallen in the line of duty and recognize the sacrifices made by the families of those officers, as well as the families of those who continue to protect and serve our communities; and

**WHEREAS**, is it critical that we understand the roles and responsibilities of law enforcement officers within our communities, and commemorate and pay tribute to the dedicated service of officers past and present;

**NOW, THEREFORE**, the City Council of the City of Radford does hereby recognize May 15-21, 2016 as

***LAW ENFORCEMENT OFFICERS' MEMORIAL WEEK***

in the City of Radford, and to call this observance to the attention of all our citizens.

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Bruce E. Brown, Mayor  
City of Radford

**ORDINANCE 1682**

**AN ORDINANCE FOR THE CITY OF RADFORD, VIRGINIA ADOPTING A BUDGET FOR  
THE FISCAL  
YEAR COMMENCING ON JULY 1, 2016 AND ENDING JUNE 30, 2017  
AND APPROPRIATE FUNDS THEREFOR**

**WHEREAS**, pursuant to Article VI, Section 6.3 of the Charter of the City of Radford, the Radford City Council is required to pass an annual appropriation ordinance based on an approved budget, and

**WHEREAS**, the City Manager has presented, and the Council has approved a budget for the fiscal year beginning July 1, 2016 and ending June 30, 2017;

**BE IT ORDAINED BY THE COUNCIL OF THE CITY OF RADFORD, VIRGINIA**, that the budget summary hereinafter set forth before, which is fully particularized in the line item budget documents filed in the office of the City Manager, and which is incorporated herein by reference, is hereby adopted as the budgets of the City of Radford, Virginia and the Radford City School Board for the fiscal year beginning July 1, 2016 and ending June 30, 2017 and that the sums of money represented thereby or as much thereof as authorized by law and required to defray the expenses and liabilities of the City, be, and the same hereby are, appropriated for the incorporated purposes and object of the liabilities of the City, be, and the same hereby are, appropriated for the incorporated purposes and object of the City of Radford as specified in the said fully particularized budget hereinbefore referenced and maintained on file in the office of the City Manager and identified as having been incorporated in this ordinance, to wit:

<b>CITY OF RADFORD</b>	<b>\$60,732,296.</b>	<b>Total for City</b>
GENERAL FUND		<u>\$26,536,888</u>
STREETS MAINTENANCE FUND		<u>\$ 2,247,864</u>
TRANSIT		<u>\$ 4,721,337</u>
WATER/WASTEWATER FUND		<u>\$ 5,085,635</u>
ELECTRIC FUND		<u>\$20,110,901</u>
SOLID WASTE FUND		<u>\$ 1,270,200</u>
INTERNAL SERVICES		<u>\$ 759,471</u>
 <b>RADFORD CITY SCHOOL BOARD</b>	 <b>\$19,999,571</b>	 <b>Total for Schools</b>
OPERATING FUND		<u>\$15,361,054</u>
FOOD SERVICE FUND		<u>\$ 627,497</u>
GRANTS FUND		<u>\$ 1,554,139</u>
TEXTBOOKS FUND		<u>\$ 411,281</u>
CAPITAL PROJECTS FUND		<u>\$ 2,045,600</u>

**BE IT FURTHER ORDAINED** that this ordinance shall become effective at 12:01 A.M. local prevailing time on July 1, 2016.

First Reading: April 19, 2016

Motion: Mr. Nicholson  
Second: Dr. Harshberger

Recorded Vote:	Dr. Harshberger:	Yes
	Mr. Marshall:	Yes
	Mr. Nicholson:	Yes
	Mr. Turk:	Yes
	Mayor Brown:	Yes

Second Reading: April 25, 2016

Motion:

Second:

Recorded Vote:	Dr. Harshberger:	
	Mr. Marshall:	
	Mr. Nicholson:	
	Mr. Turk:	
	Mayor Brown:	

ATTEST:

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Melissa Skelton, City Clerk

**ORDINANCE 1683**  
**AN ORDINANCE TO LEVY AND ESTABLISH TAX RATES FOR REAL ESTATE, PERSONAL PROPERTY, AND OTHER PROPERTY IN THE CITY OF RADFORD.**

BE IT ORDAINED by the Council of the City of Radford, Virginia that effective **January 1, 2016**, taxes are hereby levied and imposed on various property specified hereinafter for the purpose of defraying expenses and liabilities of the City of Radford as follows:

**PROPERTY TO WHICH APPLIED**

**RATE OF TAX**

1. Real Property tax levy remains at \$0.76 per one \$100.00 of assessed value.
2. Machinery and tools tax levy remains at \$1.76 per \$100.00 of assessed value.
3. Tangible personal property as listed and specified in Subsections 3 through 13 of Section 58.1-3503A, *Code of Virginia, 1950 as amended*, remains at \$2.44 per \$100.00 of assessed value.
4. Tangible personal property as listed and specified in Subsections 15 through 19 of Section 58.1-3503A, *Code of Virginia 1950 As Amended*, remains at \$1.76 per \$100.00 of assessed value.

First Reading: April 19, 2016

Motion: Mr. Marshall

Second: Mr. Turk

Recorded Vote:	Dr. Harshberger:	Yes
	Mr. Marshall:	Yes
	Mr. Nicholson:	Yes
	Mr. Turk:	Yes
	Mayor Brown:	Yes

Second Reading:

Motion:

Second:

Recorded Vote:	Dr. Harshberger:
	Mr. Marshall:
	Mr. Nicholson:
	Mr. Turk:
	Mayor Brown:

The foregoing is certified to be a true and correct copy of action taken by Radford City Council on \_\_\_\_\_.

**ATTEST:** \_\_\_\_\_  
Melissa A. Skelton, City Clerk



**RESOLUTION  
F.Y. 2017 CITY RATES/FEES**

WHEREAS, the Code of Ordinances of the City of Radford, Virginia provides the basis for determination of various fees and rates, and

WHEREAS, Radford City Council periodically sets fees and rates for all services.

THEREFORE BE IT RESOLVED, by the Council of the City of Radford, Virginia, fees and rates are set as outlined in

Attachment I - Utility Rates  
Attachment II - Miscellaneous Building Fees  
Attachment III - Building Permit Fees  
Attachment IV - Miscellaneous Fees  
Attachment V - Recreation Fees  
Attachment VI - Library Fees

BE IT FURTHER RESOLVED, that the rates and fees hereby established shall be effective on or after July 1, 2016.

The foregoing resolution was adopted on the 25th day of April, 2016 by the following vote:

Dr. Harshberger:	Mr. Nicholson:
Mr. Marshall	Mr. Turk
Mayor Brown:	

The foregoing resolution is certified to be a true copy of a Resolution of the City Council of the City of Radford, Virginia, approved on the 25th day of April, 2016.

\_\_\_\_\_  
Dr. Bruce E. Brown Mayor

ATTEST: \_\_\_\_\_  
Melissa A. Skelton, City Clerk

## Attachment I

## RADFORD UTILITY TAX:

Residential: \$.01505 x KWH not to exceed \$3.00 monthly  
Commercial: \$.01705 x KWH + not to exceed \$40.00 monthly

**WATER RATES PER 1,000 GALLONS:**

Minimum monthly charge (covers 4,000 gallons)	\$16.32
4,001-100,000 gallons consumed	\$4.08
100,001-4,000,000 gallons consumed	\$3.68
4,000,001 gallons and up	\$2.86
Wholesale rate	\$2.24

**Water Transfer Fee**

10.00

**Water Meter Charge:**

2" meter	\$	20.00
3" meter	\$	30.00
4" meter	\$	40.00
6" meter	\$	60.00
8" meter	\$	80.00
10" meter	\$	100.00

**Water Installation Fee (single family residential)**

Installation Fee (single family residential)	\$ 510.00
Installation Fee (single family residential)	\$ 800.00
Installation Fee (single family residential)	\$ 290.00

**Water Availability Fee (single family residential)**

Category	Amount
Availability Fee (single family residential)	\$1,000.00
Availability Fee (single family residential)	\$1,500.00

### Irrigation Meter Fee

**Repair Fee** \$ 100.00 \$300.00 maximum

**SEWER RATES PER 1,000 GALLONS:**

Minimum monthly charge (covers 2,000 gallons)	\$12.24
Over 2,000 gallons	\$6.12
No sewer rate:	\$3.06

## Radford University BOD Charges

## REFUSE COLLECTION:

containers:		
Maximum of three containers with one pickup per week	\$	18.00 PER MONTH
Each additional pickup	\$	18.00 PER MONTH
Each additional container	\$	1.06 PER CONTAINER

**Bulk containers:**

Container size	Collections per week					
	1	2	3	4	5	6
4 cubic yards	\$ 52.94	\$ 105.88	\$ 158.82	\$ 211.76	\$ 264.71	\$ 317.65
6 cubic yards	\$ 78.95	\$ 156.71	\$ 235.06	\$ 313.41	\$ 391.76	\$ 470.12
8 cubic yards	\$ 103.76	\$ 207.53	\$ 311.29	\$ 415.06	\$ 518.82	\$ 622.59

**Special collection rates:**

Yard waste 1-5 bags	\$ 5.20
Yard waste 6-11 bags	10.59
Yard waste 12-20 bags	21.18
Yard waste over 20 bags	37.06
Small load of brush	37.06
Large load of brush	74.12
Appliances each	28.47
Furniture 1-3 pieces	31.76
Furniture 4-5 pieces	47.85
Furniture 6+ pieces	68.82

### Utility Deposits

	Water/Sewer	Electric
Residential Services	\$ 50.00	\$ 200.00
Small GS Services	\$ 75.00	\$ 500.00
Medium GS Services	\$ 200.00	\$ 2,000.00
Large GS Services	\$ 1,000.00	\$ 5,000.00

### Penalty for Late Payment

Restore Fee If Disconnected	\$	25.00
Overline Fee If cut on after hours	\$	30.00
Electric Meter Testing	\$	25.00

**Attachment I - continued****ELECTRIC RATES**

Summary of rates only. Please see original schedules for terms and conditions.

**Residential:**

Basic customer charge: (per month)	\$7.02
First 900 KWH: (per KWH)	\$0.0972000
All KWH over 900: (per KWH)	\$0.0827000

**Sanctuary Worship Service**

Basic customer charge: (per month)	\$7.02
First 900 KWH: (per KWH)	\$0.0972000
All KWH over 900: (per KWH)	\$0.0827000

**Small General Service:**

Basic customer charge: (per month)	\$9.25
Energy Charge (all metered KWH)	\$0.0958000

**Medium General Service:**

Basic customer charge: (per month)	\$15.00
Demand Charge: (All kW of billing demand)	\$4.45
Energy Charge (All metered kWH)	\$0.0783500

**Large General Service:**

Basic customer charge: (per month)	\$50.00
Demand charge: (All kW of billing demand)	\$13.13
Reactive Demand Charge (all kVar of lagging reactive demand)	\$0.4500
Energy Charge (All metered kWH)	\$0.0485500

**Large Power Service:**

Basic customer charge: (per month)	\$275.00
Demand charge: (All kW of billing demand)	\$13.98
Reactive Demand Charge (all kVar of lagging reactive demand)	\$0.9900
Energy Charge (All metered kWH)	\$0.0454500

**School & City Services**

Basic Customer Charge: (per month)	\$5.79
Energy Charge (all metered kWH)	\$0.0881000

**Outdoor Lighting (per month)**

100 Watt sodium vapor - 9,500 lumens	\$9.65
100 Watt sodium vapor - 15,000 lumens	\$12.20
100 Watt sodium vapor - 44,000 lumens	\$21.75

Installation charge for metal pole for underground sodium lighting	\$275.00
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Wholesale Power Cost Adjustment 9per kwh)	\$0.0176500
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Fuel Adjustment Charge (per kwh)	\$0.0033770
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<b>Electric Transfer Fee</b>	\$ 10.00
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<b>Temporary Electric Fee</b>	\$ 35.00
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<b>Meter testing</b>	\$ 25.00
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**Miscellaneous Building Permit Fees - Attachment II**

**Miscellaneous Building Permit Fees - A 2% State Level Tax will be added to all permit fees**

Building Code Bd. of Appeals Case (non-refundable)	\$175.00
Demolition permits: Residential	\$75.00
Commercial	\$150.00
Underground Storage Tanks	See Bldg. Permit Fees
Electrical permits	See Bldg. Permit Fees
Electrical service upgrade	\$50.00
Fire Alarm and Suppression re-inspection	\$75.00
Maximum Occupancy, Use Group change	\$100.00
Mechanical permit	See Bldg. Permit Fees
Mobile home permits	\$75.00
Move building	\$150.00
	plus any additional fees
Permanent Sign permit	\$75.00
Temporary Sign permit	\$50.00
Re-inspection fee (if applicable) for all trades	\$75.00
	pd. prior to inspection
Residential Plan Review (if no permit issued)	\$100.00
	per story above grade
Commerical Plan Review (if no permit issued)	\$200.00
	per story above grade
Temporary electrical inspection	\$50.00
Water line/Sewer line renewal	\$50.00
Re-Issue building Certificate of Occupancy	\$100.00
Amusement Device Fees: Per VAC 5-31-75 (Third party inspection provided by applicant)	
Swimming Pools:	See Building Permit Fees

**Attachment III**

**Building Permit Fees - A 2% state levy tax will be added to permit fees**

<u>Valuation</u>	<u>Fee</u>
Minimum Fee:	\$50.00
\$1,000.00	\$50.00
2,000.00	\$50.00
3,000.00	\$50.00
4,000.00	\$50.00
5,000.00	59.00
6,000.00	63.00
7,000.00	67.00
8,000.00	71.00
9,000.00	75.00
10,000.00	79.00
11,000.00	83.00
12,000.00	87.00
13,000.00	91.00
14,000.00	95.00
15,000.00	99.00
16,000.00	103.00
17,000.00	107.00
18,000.00	111.00
19,000.00	115.00
20,000.00	119.00

Over \$20,000 equals \$119.00 plus \$4.00 for each additional \$1,000 or fraction thereof

Over \$100,000 equals \$439.00 plus \$3.50 per thousand or fraction thereof

200,000.00	779.00
300,000.00	1,029.00
400,000.00	1,279.00
500,000.00	1,529.00

Over \$500,000 equals \$1,529 plus \$2.50 per thousand or fraction thereof

600,000.00	1,679.00
700,000.00	1,829.00
800,000.00	1,979.00
900,000.00	2,129.00
1,000,000.00	2,279.00

Over \$1,000,000.00 equals \$2,279 plus \$2.00 per thousand thereof

## **MISCELLANEOUS FEES Attachment IV**

### **TREASURERS OFFICE**

Dog Tags	Male/Female	10.00
	Unsexed	3.00
	Duplicates	1.00
Returned Checks		25.00

### **ENGINEER'S OFFICE**

Land Disturbing Fees	\$5.00 first five acres
	\$1.00 each additional 5 acres disturbed
Plan Review Fee	\$50 maximum
Right-of-way Vacation	\$800 deposit, plus all costs upon completion
Roadside Memorial	\$50

### **Planning Department**

Rezoning	\$1,000.00
Special Use Permit	\$1,000.00
Variance	\$1,000
Site Plan Review	\$200

### **EMS Services**

ALS 1 Emergency Radford	\$700
ALS 2 Emergency Radford	\$800
BLS Emergency Radford	\$450
Ground Miles	\$16
Non Covered Miles	\$16
REMSI Paramedic Intercept	\$400

**RECREATION DEPARTMENT Fees -****Attachment V****Picnic Shelter Fees:****Radford Resident Fees:**

Weekdays: 1/2 Day (Monday through Friday)	\$20.00
One Full Day (Monday through Friday)	\$30.00

Weekends: 1/2 Day (Saturday and Sunday)	\$30.00
One Full Day (Saturday and Sunday)	\$40.00

**Non-Resident Fees:**

Weekdays: 1/2 Day (Monday through Friday)	\$30.00
One Full Day (Monday through Friday)	\$50.00

Weekends: 1/2 Day (Saturday and Sunday)	\$40.00
One Full Day (Monday through Friday)	\$60.00

Quotes given for groups of 200 or more

**Softball Field Reservations: - made in person at Rec. Center**

\$200.00 per weekend

**RECREATION CENTER FEES:****Non- Resident Recreation Center Membership Fees:**

Daily:	\$5.00	
	<u>Yearly</u>	<u>Six Months</u>
Single Adult:	\$300.00	\$150.00
Family*	\$450.00	\$225.00
Senior Citizens **	\$150.00	\$75.00
Senior Couple ***	\$225.00	\$112.50

\*including dependents under 21

\*\* age 50 and older

\*\*\* married

**Rental Fees:**

Room Rentals	\$15.00 hr.
Kitchen + Adjacent Room	\$20.00 hr.
Gymnasium	\$25.00 for two hrs. (\$5.00 additional for score clock)
Lockers	\$50.00 annually, \$5.00/month
Racquetball Courts	\$12.50/hr. after first hr. (free) of consecutive play

**Monthly Fitness Fees:** \$30.00 Resident, \$40.00 Non-resident (maximum)

Adult sports entry fees are based on the number of teams in the league and the number of games played.

**Youth Sports Registration Fees:**

Radford Resident:	\$20.00	Late Fee:	\$30.00
Non-Resident	\$30.00	Late Fee:	\$50.00

**Community Garden Fee** \$20

**Dog Park Fee** \$10

## **Radford Public Library Fees      Attachment VI**

<b>Fines</b>	<b>Copies</b>	<b>Prints from Computer</b>	<b>Faxes</b>
<b>\$.10 per day</b>	<b>\$.10 per page</b>	<b>\$.25 per page</b>	<b>\$1.00 per page</b>

**Interlibrary Loan**  
**patron pays the postage**  
**\$2.00-\$3.00 on average per item**



## **Storm Water Fees    Attachment VII**

### **Storm Water Fees    Attachment VII**

<b>Fee Type</b>	<b>Fee Amount</b>
General/ Stormwater Management - Small (less than 1 acre)	\$81
General/ Stormwater Management - Small (equal to or greater than 1 acre and less than 5 acres)	\$756
General/ Stormwater Management - Large (equal to or greater than 5 acres and less than 10 acres)	\$952
General/ Stormwater Management - Large (equal to or greater than 10 acres and less than 50 acres)	\$1,260
General/ Stormwater Management - Large (equal to or greater than 50 acres and less than 100 acres)	\$1,708
General/ Stormwater Management - Large (equal to or greater than 100 acres)	\$2,688
Permit Modification and/or Transfer Fee	\$0
Annual Permit Maintenance Fee	\$0



**City of Radford, VA  
City Council Action Form**

Date for Council consideration: 4/25/16

Use of State Asset Forfeiture Funds

**Background Information:**

Request for state asset forfeiture funds to be appropriated to purchase in car cameras for police vehicles.

**Action Requested:**

To appropriate funds per appropriation ordinance 1673.27

**Pros and Cons/Financial Implications:**

Pros: To provide funds to purchase in car cameras.

Cons: None

Financial impact on the department and City: None due to funds being received from State Asset Forfeiture.

**Memorandum**

To: Mayor Brown, Vice-Mayor Marshall, Members of City Council

From: Melissa Skelton, Zoning Administrator

Date: April 19, 2016

Subject: Public Hearing for Special Use Permit – East Radford Development Corp

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Planning Commission met at their April 18, 2016 meeting and held a public hearing to receive comments regarding a Special Use Permit request from the East Radford Development Corp, located at 702 - 708 East Main Street, Radford, Virginia, 24141, Tax Map Number: 2-(1)-3 and Tax Map Number: 2-(1)-3A, to allow the Property within the B-2 District to be used and developed for such permissible mixed uses and structures in the B-2 District with a SUP., this includes commercial along the main level and apartments above the main level.

No Comments were received from the public. Planning Commission approved Ordinance #1684 with a 6-1 vote and recommend that City Council Schedule a public hearing at their May 9, 2016 meeting.

I have included the SUP application, Ordinance #1684 and the draft minutes from Planning Commissions April 18, 2016 meeting.

Thank you

cc: Mr. David Ridpath, City Manager

## **ORDINANCE NO. 1684**

**AN ORDINANCE APPROVING A SPECIAL USE PERMIT IN THE B-2 DISTRICT, PURSUANT TO SEC. 120.1-91, OF THE ZONING ORDINANCE, OF THE RADFORD CITY CODE OF ORDINANCES, FOR PROPERTY OWNED BY EAST RADFORD DEVELOPMENT CORPORATION, LOCATED AT 702-708 EAST MAIN STREET, RADFORD, VIRGINIA, 24141, IDENTIFIED AS TAX MAP NUMBER: 2-(1)-3, TAX ID: 010000283, AND THE ADJOINING AND CONTIGUOUS PROPERTY IDENTIFIED AS TAX MAP NUMBER: 2-(1)-3A, TAX ID: 010002059**

**WHEREAS**, East Radford Development Corporation, a Virginia corporation, is the owner (the "Owner") of certain real property in the City of Radford located at the address of 702 & 704 East Main Street, Radford, Virginia, 24141, briefly described herein as Lot 3, containing 0.952 Acres, Tax Map Number: 2-(1)-3, Tax ID: 010000283, and the adjoining and contiguous Lot 3A, containing 0.364 Acres, Tax Map Number: 2-(1)-3A, Tax ID: 010002059 (collective the "Property"), said Property being more fully set forth and described in a Deed dated September 10, 2014, conveying the Property to the Owner, recorded in the Clerk's Office of the Circuit Court of the City of Radford, Virginia, as Instrument Number 201400851 (the "Deed"), together with that certain plat of survey of the Property dated December 5, 2013, Job No. 2013766, by Don A. Rainey, Land Surveyor, recorded therewith in Cabinet 1, Slide 131, as Instrument Number 201400850 (the "Plat of Survey"), and said Deed and Plat of Survey are incorporated herein by reference and made a part hereof for a more accurate description of the Property; and

**WHEREAS**, the Property is located in the B-2 General Business District (the "B-2 District") zoning classification, for such uses and structures as defined and set forth in the B-2 District, in Secs. 120.1-89 *et seq.*, at Division 10, of Chapter 120.01 of the Zoning Ordinance of the City of Radford, Virginia (the "Zoning Ordinance"), in the Radford City Code of Ordinances (the "Radford City Code"); and

**WHEREAS**, the uses and structures in the B-2 District, at Sec. 120.1-91(8) of the Zoning Ordinance, as amended, provides for uses and structures for apartments above or below the main ground street level are permissible uses within the B-2 District, with an approved Special Use Permit ("SUP") issued for the Property pursuant to the procedures and requirements for such SUP's in Article IX, Secs. 120.1-274 *et seq.*, of the Zoning Ordinance, and provided any such final site plans for any such SUP's are approved by the Planning Commission prior to the issuance of the SUP, pursuant to the requirements in Article VIII-Site Plans, at Secs. 120.1-260 *et seq.*, and which final approval of the site plan shall address both on-site and off-site impacts for any such proposed plan of development with a SUP in the B-2 District; and

**WHEREAS**, the Owner desires to obtain a SUP to allow the Property within the B-2 District to be used and developed for such permissible mixed uses and structures in the B-2 District with a SUP, and the Owner has filed in support thereof an application for a Special Use Permit (SUP) dated March 1, 2016, including a preliminary site plan of development for the Property, prepared by Don A. Rainey, Certified Engineer (the "Preliminary Site Plan"), and such other supporting documents and proffers filed in support of the Owner's SUP application for the Property (collectively referred to as the "Application"), for such permissible mixed uses and structures proposed to be developed upon the Property within the B-2 District with a SUP, pursuant to Sec. 120.1-90 and Sec. 120.1-91 of the Zoning Ordinance.

**WHEREAS**, Council and the Planning Commission, after giving proper notice to all concerned, as required by § 15.2-2204 and § 15.2-2285 of the Code of Virginia, as amended, and after having conducted separate public hearing on the Owner's Application for the SUP, on \_\_\_\_\_, 2016 and \_\_\_\_\_, 2016, respectively, at which public hearings all parties in interest and citizens were given an opportunity to be heard for or against approval of the SUP Application of the Owner for the Property; and

**WHEREAS**, after considering the Application, the matters presented at the public hearings, the recommendation made by the Planning Commission to Council, and upon confirming the SUP for this Property is generally consistent with the Comprehensive Plan of the City of Radford, this Council is of the opinion that the SUP Application for the Property of the Owner within the B-2 District, for apartments above and/or below the main ground street level, as permitted in Sec. 120.1-91 (8) of the Zoning Ordinance, should be approved.

**NOW THEREFORE, BE IT ORDAINED**, by the Council of the City of Radford, Virginia, pursuant to the authority set forth in the B-2 General Business District, in Secs. 120.1-89 *et seq.*, of the Zoning Ordinance, the Application of the Owner for a SUP in the B-2 District, for the special uses and structures permitted in Sec. 120.1-91(8) for development upon the Property identified in the Application and herein as Lot 3, containing 0.952 Acres, Tax Map Number: 2-(1)-3, Tax ID 0100000283, and the adjoining and contiguous Lot 3A, containing 0.364 Acres, identified as Tax Map Number: 2-(1)-3A, Tax ID: 010002059, is hereby approved, and the SUP for the Property for such uses and structures provided for in Sec. 120.1 91(8), is and the same shall be issued and granted, subject the Owner's full and complete compliance with the conditions and requirements for such developments of structures and uses in the B-2 District with a SUP, as enumerated herein, and as follows:

1. A final site plan of development for the Property being filed in compliance with Article VIII, Sec. 120.1-260 *et seq.*, and approved by the Zoning Administrator pursuant to the requirements and procedures set forth in Sec. 120.1-91, prior to the issuance of the SUP in the B-2 District for the Property as approved in this Ordinance; and
2. As proffered by the Owner, the Owner providing the Planning Commission the opportunity to provide input and comments as to the nature of the proposed mixed use plan of development for the Property, during the site plan development and review process, which input and comments shall be considered by the Owner, prior to the approval of the final site plan of Development for the Property; and
3. The Owner of the Property shall further be required to comply with all of the procedural requirements necessary for the Zoning Administrator to issue the SUP as approved herein for the Property, including but not limited to the requirements in issuing such Special Use Permits (SUP's), as set forth in Article II, Division 10. - B-2 District, Sec. 120.1-89, *et seq.*, the administration requirements in Article VII, Administration, Sec. 120.1-252 *et seq.*, the zoning permit requirements in Sec. 120.1-254, *et seq.*, and in Article IX, Special Use Permits in Secs.120.1-274 *et seq.*, of the Zoning Ordinance; and

4. This Ordinance approving the requested SUP for the Property as set forth and provided for herein, shall become null and void if no building permit to construct the authorized improvements has been issued within one (1) year of the date of approval of the SUP for the Property, as defined and provided for in Sec. 120.1-289 of the Zoning Ordinance, unless otherwise extended; and
5. Except for the exceptions and modifications in this Ordinance approving this for the Property pursuant to the Application as presented and approved, nothing herein shall be deemed to alter or change any other requirements or uses of the Property within the B-2 Zoning District, or negate any such other compliance requirements for the plan of development for the Property as may be necessary or required by the Owner under the provisions and requirements of the Zoning Ordinance, or any such other provisions or requirements as may be necessary or required in the Radford City Code.

THIS ORDINANCE SHALL BE EFFECTIVE AS OF THE DATE OF ITS ADOPTION.

First Reading: Receive the recommendation of the Planning Commission

Motion:

Second:

Recorded Vote:

Dr. Harshberger:

Mr. Marshall:

Mr. Nicholson:

Mr. Turk:

Mayor Brown:

Second Reading:

Motion:

Second:

Recorded Vote:

Dr. Harshberger:

Mr. Marshall:

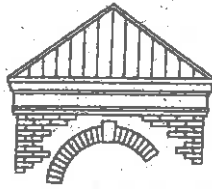
Mr. Nicholson:

Mr. Turk:

Mayor Brown:

ATTEST:

\_\_\_\_\_  
Melissa A. Skelton, City Clerk



**PRICE • WILLIAMS**  
*Builders Developers Property Managers*

Melissa Skelton, Zone Administrator

March 1, 2016

City of Radford

10 Robertson Street

Radford, VA 24141

Dear Melissa,

Please accept this letter as our formal request to apply for a Special Use Permit which would allow residential dwellings above the main floor of our two properties located at 702 and 704/708 East Main Street. This location is currently zoned B-2. It is our intent to demolish and remove these buildings and construct a mixed use commercial center containing an interior parking facility, main level commercial spaces and residential dwellings on the upper floors.

Attached please find our completed application for a Special Use Permit, six copies each of two conceptual plans depicting possible development scenarios, a list of the adjacent property owners with addresses, and a check in the amount of \$1,000.00 to defray the City's cost in processing this application.

We believe our request is necessary in order to develop the property to its fullest potential. Thank you for your consideration and we look forward to a favorable response.

Sincerely,

East Radford Development Corporation

  
Jeffery M. Price

  
Mark F. Williams



# CITY OF RADFORD

## APPLICATION FOR SPECIAL USE PERMIT

Date: March 1, 2016

**Note:**

A fee of \$1000.00 is to be submitted along with this application.

- 1- Legal Owner(s) of property requested for Special Use Permit:  
East Radford Development Corp.  
c/o Mark Williams of Jeff Price
  - a) Mailing Address: 600 East Main Street Suite H  
Radford, VA 24141
  - b) Phone Number: 540-639-3027
  - c) Fax Number: 540-639-4155
  - d) Email: MWILLIAMS@PRICEWILLIAMSREALTY.COM
- 2- Location of Property:
  - a) Address: 702 & 704 East Main Street Radford VA 24141
  - b) Subdivision: Western Portion - SEC 22 - Map of Plan "A" Radford Development company
  - c) Official Tax Parcel Number: 2 ((1)) - 3 & 2 ((1)) - 3A
- 3- Agent Information (if applicable):
  - a) Name of Main Contact: N/A
  - b) Mailing Address: \_\_\_\_\_
  - c) Phone Number: \_\_\_\_\_
  - d) Fax Number: \_\_\_\_\_
  - e) Email: \_\_\_\_\_
- 4- Characteristics of Property:
  - a) Size (acreage): 1.32 acres
  - b) Deed Restrictions: None
  - c) Present Zoning: B-2
- 5- Use Classification:
  - a) Present Use: Vacant/Abandoned Restaurant/Vacant/Abandoned commercial laundry/parking
  - b) Proposed Special Use: To allow residential above main level
- 6- Reason(s) for Special Use Permit Request (including proposed use):  
Mixed use commercial on East Main level with  
Basement level parking & residential dwelling  
above the commercial level

I certify the information supplied on this application and on the attachments (maps, lists of adjoining property owners and other relevant information provided) is accurate and true to the best of my knowledge.

Signature of Owner: \_\_\_\_\_

Signature of Agent: \_\_\_\_\_  
(if applicable)

Received by: Melvin Sells  
City Agent

Date: 3/1/16

Date sent to the Planning Commission: 3/2/16



Adjacent Property Owners

SOUTHWEST – City of Radford, 10 Robertson Street Radford, VA 24141

✓ SOUTHEAST – Radford University, 801 E Main St, Radford, VA 24142

✓ NORTHEAST – Norfolk Southern Corp., 1010 E Main St, Radford, VA 24141

NORTHWEST – City of Radford, 10 Robertson Street Radford, VA 24141

**Radford Planning Commission**  
**Monday, April 18, 2016**  
**Municipal Building**

**Members Present:** Mr. Armentrout, Mr. Gilmore, Dr. Pearce, Mr. Shelor, Mr. Nicholson, and Mr. Howard (Mr. Watson arrived after roll call)

**Absent –**

**Others Present:** Melissa Skelton, City Staff

Mr. Howard called the meeting to order at 5:30 pm. A quorum was present.

**Approval of Minutes:**

**March 21, 2016**

Minutes were recommended for approval by Mr. Nicholson, seconded by Mr. Gilmore.

*Voting Yes:* Mr. Armentrout, Mr. Gilmore, Mr. Nicholson, Dr. Pearce, Mr. Shelor, and Mr. Howard

*Voting No:* None

*Abstain:* None

**Staff Report:** Ms. Skelton told the commission that Dr. Pearce has been honored with the 2016 Alumni Award for Excellence in Outreach at Virginia Tech for her work with the PantherHouse at the Radford Animal Shelter.

Patrick Burton reported on progress to the Comprehensive Plan including establishing River and Stream Conservation initiatives and updates to portions of the plan. Dr. Pearce provided feedback on goals and objectives as a starting points for editing and updating those elements of the plan. Prior to meeting as a group, he will share the full comments with the commission to review. There will also be some items to review via email.

We set a meeting to review all content to date in the Comprehensive Plan for May 12 at 6:00 pm in council chambers.

**Public Address:** No public comments provided.

**Public Hearing:** Special Use Permit Request from East Radford Development Corporation, located at 702 & 704 East Main Street, Radford.

Mr. Howard opened the public input hearing at 5:40 pm. Signage has been posted on the property and the commission has conducted the required site visit during the previous week.

No public comment was made; Mr. Howard closed the public hearing period was closed at 5:41 pm.

**Old Business:**

**NEW BUSINESS**

**Subject:** Consider recommendation of Ordinance # 1684 - Special Use Permit Request for East Radford Development Corporation, located at 702 & 704 East Main Street, Radford, VA 24141.

Notes from Ms. Skelton: A request was made to the city attorney to add a restriction on number of bedrooms per unit, but the city attorney advised that the provision on page 2, item 2 will cover this since

the owner proffered to bring the plan back to Planning Commission for additional review before proceeding. Item 1 must be changed to reflect final site approval by the Zoning Administrator and not the planning commissioner.

Mr. Shelor mentioned that after the site visit, he reached out to Radford University to obtain data on the proposed increase in student body at the university to justify the need for additional apartment housing near the university. This information would be useful in addressing community concerns about development of this kind.

The commission has also discussed the benefits of having this kind of development with both ground-level commercial and residential elements at the boundary of the university, so that it can benefit both students and the university. Projections about growth of student body in the future will help provide evidence to allow our comprehensive plan to be more responsive to future needs. Mr. Shelor proposed that we reach out to the university to obtain this information. It will help keep students living in Radford instead of elsewhere.

Ms. Skelton mentioned plans for future outreach to students living off campus. Quick conversations with the new president of Radford University indicates a willingness to collaborate more with the city to accommodate student growth.

Some citizens have expressed concern to Mr. Shelor about the quantity of low income housing in the community. They are concerned that students may move into the new housing and leave older housing for low income people. Ms. Skelton said the building official has seen an increase in renovations and replacements around older student housing that may be trying to maintain appeal to students. Ms. Skelton regularly receives phone calls from parents concerned about the quality of housing in the community for students.

**Action: Dr. Pearce made a motion to recommend approval of Ordinance #1684 and forward it onto City Council, and Mr. Watson seconded the motion.**

*Voting Yes:* Mr. Armentrout, Mr. Gilmore, Mr. Nicholson, Dr. Pearce, Mr. Watson and Mr. Howard

*Voting No:* Mr. Shelor

*Abstain:*

**Subject:** Consider scheduling a public hearing for a Special Use Permit Request from Radford University Foundation for a recreation facility at 326 Clement Street, Radford VA 24141.

Discussion: Mr. Gilmore noted the provision to prohibit recreation facilities no closer than 100 feet to a residential facility in our R-4 zoning ordinance. The proposal appears to include a picnic facility across the street from a residence, which would be against the R-4 zoning. Ms. Skelton recommended sending this issue to the city attorney to clarify whether this structure would be considered as a facility under the ordinance. The ordinance states the distance must be from the structure to the adjacent property line, which may not be met in the proposed plan.

The property is owned by the University Foundation, not the university itself, thus requiring planning commission approval. Mr. Shelor wanted to know whether the natural gas pipeline would need to be moved, but Radford Foundation officials stated that it would be fenced off, not met. The purpose of the proposed structure is as a shade or picnic structure to provide comfort to game observers. There is no enclosed space within the structure. There will be a small retaining wall to handle grade changes that will be used as a seating wall.

The facility is not open 24 hours. It would share hours with the intramural fields nearby. They are supervised by staff when open. Presently, the complex could be open as late as 11 pm, which may prove to be a disturbance to local residents.

The primary question is whether this counts as a facility. We can agree to set the public hearing while awaiting a legal perspective on this question and otherwise moving forward to conduct a site visit. We will hold the site review meeting at 5:30 for May 12, and schedule the public hearing for our next regular meeting on May 16. The comprehensive plan meeting will begin at 6 pm following the site review.

Ms. Skelton will work with the city attorney to resolve this question no later than the site review meeting on May 12.

**Action: Mr. Watson made a motion to approve the public hearing on May 16, and Mr. Gilmore seconded the motion.**

*Voting Yes:* Mr. Armentrout, Mr. Gilmore, Mr. Nicholson, Dr. Pearce, Mr. Shelor, Mr. Watson and Mr. Howard

*Voting No:*

*Abstain:*

#### **Commission Members Comments:**

Dr. Pearce – none

Mr. Shelor – Has there been a scheduled date for the meeting with David about the wording for R-1, 2, and 3? Ms. Skelton has not yet scheduled the meeting. Mr. Shelor, Mr. Gilmore, and Mr. Howard would like to be present at that meeting. Time is of the essence to keep buyers informed.

Mr. Armentrout – none

Mr. Howard – Have we seen any progress on our BrewPub ordinance? Not at this date. Have we seen any progress on S&S Motors? Not at this date.

Mr. Nicholson – none

Mr. Watson – none

Mr. Gilmore – none

A motion was made by Mr. Shelor to adjourn the meeting at 6:10 pm, seconded by Mr. Armentrout.

*Voting Yes:* Mr. Armentrout, Mr. Gilmore, Mr. Nicholson, Dr. Pearce, Mr. Shelor, Mr. Watson and Mr. Howard

*Voting No:*

*Abstain:*

Submitted by: A. Pearce, Secretary

Date: 18 April 2016

**A RESOLUTION APPROVING A SIXTY (60) MONTH EXTENSION OF AN AGREEMENT BETWEEN THE CITY AND TECHLAB, INC., REGARDING THE ENFORCEMENT OF THE IMPROVEMENT REQUIREMENTS SET FORTH IN THE RESTRICTIVE COVENANTS OF THE RADFORD INDUSTRIAL CENTER FOR REAL PROPERTY OWNED BY TECHLAB, INC., IDENTIFIED AS REVISED LOT 11, CONTAINING 7.201 ACRES, TAX MAP NUMBER 37-(2)-SEC 2-11**

**WHEREAS**, TechLab, Inc., a Virginia corporation ("TechLab") is the owner of real property located in the Radford Industrial Center of the City of Radford (the "Radford Industrial Center"), identified as Revised Lot 11 containing 7.201 Acres (hereinafter "Revised Lot 11") and Revised Lot 12 containing 6.241 Acres (hereinafter "Revised Lot 12"), collectively Tax Map Number 37-(2)-SEC 2-11-12; and being the property acquired by TechLab, Inc., by Deed dated December 20, 2011, from the Industrial Development Authority of the City of Radford, Virginia, and recorded December 20, 2011, in the Clerk's Office of the Circuit Court of the City of Radford, Virginia, as Instrument Number 201101222 (the "Deed"); and

**WHEREAS**, all of the lots comprising the Radford Industrial Center are subject to the covenants, reservations and restrictions as set forth and reserved by the City in the Restrictive Covenant of the Radford Industrial Center, dated October 24, 1988, recorded in the aforesaid Clerk's Office in Deed Book 135, Page 704 (the "Restrictive Covenants"), and incorporated herein by reference and made a part hereof; and

**WHEREAS**, at the time TechLab acquired the aforesaid two (2) adjoining lots on December 20, 2011, there already existed a facility improvement located upon Revised Lot 12 in compliance with the requirements of the Restrictive Covenants in Provision A thereof, however facility improvements had not been developed or located upon Revised Lot 11 in accordance with the term requirements set forth in the Restrictive Covenants; and

**WHEREAS**, as a condition of TechLab agreeing to acquire both Revised Lot 11 and Revised Lot 12, TechLab requested the City extend the terms of the Restrictive Covenants for facility improvements to be made and completed upon Revised Lot 11, and the City agreed to extend the term for the necessary improvements to be made and completed upon Revised Lot 11 by resolution of Council duly authorized and approved on December 12, 2011, and thereafter the City and TechLab entered into a Waiver and Extension Agreement dated December 20, 2011 (the "Agreement"), recorded in the aforesaid Clerk's Office as Instrument Number 201101223, extending the term and agreeing to such other matters as set forth in the Agreement, and incorporated herein by reference and made a part hereof; and

**WHEREAS**, by letter dated April 1, 2016, TechLab has requested the City approve an additional sixty (60) month extension of the Agreement, until the date of December 12, 2019, as set forth in the said letter and presented herewith and attached to this Resolution; and

**WHEREAS**, the City reserved in the Restrictive Covenants of the Radford Industrial Center the authority and right to modify, waive, and/or release all or any one or more of these covenants, conditions or restrictions by majority vote of the City Council, and no such modification waiver or release shall be valid except upon approval by City Council by majority vote.

**NOW, THEREFORE, BE IT RESOLVED**, by the City Council of the City of Radford, Virginia, that the additional sixty (60) month term for facility improvements to be made for the property identified as Revised Lot 11, Tax Map number 37-(2)-SEC 2-11, is and the same hereby is approved as requested and presented herewith, and further approves any such amendment and modifications to the Agreement dated December 20, 2011, between the City and TechLab, as may be required to extend the additional sixty (60) month term until the date of December 20, 2019, for such improvements to be constructed upon Revised Lot 11, Pursuant to the Restrictive Covenants of the Radford Industrial Center; and

**IT IS FURTHER RESOLVED**, the City Attorney is hereby directed to prepare such legal documents and agreements as may be necessary or required to amend, modify, waive, or extend the Agreement between the City and TechLab for the said additional sixty (60) month period until the date of December 20, 2019, for the said Revised Lot 11, and to take such other action as may be necessary or required to effectuate the matters set forth and approved herein, and in such form as the City Attorney may authorize and approve; and

**AND IT IS FURTHER RESOLVED**, the City Manager is hereby authorized to execute, for and on behalf of the City, any such agreements as shall be prepared and approved by the City Attorney, and/or to execute such other documents as may be necessary or required to modify or extend the terms of the Agreement between the City and TechLab for an additional sixty (60) month period, as approved and consented to herein by Council, and the City Clerk is hereby further authorized to attest to the execution thereof.

This Resolution shall be effective as of the date of its approval.

Adopted and effective by the City Council of the City of Radford, Virginia, at a regular meeting thereof on the \_\_\_ day of April, 2016.

**CITY OF RADFORD, VIRGINIA**

By: \_\_\_\_\_  
Mayor Bruce Brown

ATTESTED:

\_\_\_\_\_  
Melissa Skelton, City Clerk



Prepared by the Law Firm of Gail Cook DeVilbiss, P.C.

By: The Radford City Attorney: Gail Cook DeVilbiss, Attorney at Law; Virginia Bar Number: 21641

Tax Map Number: 37-(2)-SEC 2-11; Part of Account Number: 030000499

**THIS AMENDED AND RESTATED WAIVER AND EXTENSION AGREEMENT  
OF RESTRICTIVE COVENANTS FOR RADFORD INDUSTRIAL CENTER  
FOR REVISED LOT 11, CONTAINING 7.201 ACRES  
TAX MAP NUMBER 37-(2)-SEC 2-11**

**THIS AMENDED AND RESTATED WAIVER AND EXTENSION AGREEMENT** (the “Amended and Restated Agreement”), dated the 25<sup>th</sup> day of April, 2016, by and between **CITY OF RADFORD, VIRGINIA**, a Virginia municipal corporation, hereinafter referred to as the “City” and the Grantor and Grantee herein for indexing purposes; and **TECHLAB, INC.**, a Virginia corporation, hereinafter referred to as “Techlab”, and the Grantor and Grantee herein for indexing purposes.

WITNESSETH:

**WHEREAS**, by Deed dated December 20, 2011, recorded in the Clerk’s Office of the Circuit Court of the City of Radford, Virginia, on December 20, 2011, as Instrument Number 201101222 (the “Deed”), the Industrial Development Authority of the City of Radford, Virginia (the “Authority”), conveyed unto Techlab, all those two certain lots or parcels of land situate, lying and being in the West Ward of the City of Radford, Virginia, being more particularly described as follows, to-wit:

ALL of Revised Lot 11 containing 7.201 Acres, and Revised Lot 12 containing 6.241 Acres, as designated and described on a plat of survey entitled, “Plat of Boundary Line Adjustment of Tax Parcel 37-(2)-SEC 2-11 & 12 Prepared For the Industrial Development Authority of the City of Radford, Virginia West Ward City of Radford, Virginia”, dated October 30, 2007, by Ralph O. Clements, Land Surveyor, Gay and Neel, Inc., Civil Engineering Landscape Architecture Surveying, a copy of which is recorded in the Circuit Court Clerk’s Office of the City of Radford, Virginia in Plat Book 5, Pages 170 and 171, Slide 1-112, and made a part hereof, and reference is hereby made to said plat of survey for a more accurate description of the property described therein and herein.

**WHEREAS**, the said Revised Lot 11 containing 7.201 Acres in the Radford Industrial Center (“Revised Lot 11”), and Revised Lot 12 containing 6.241 Acres in the Radford Industrial Center

(“Revised Lot 12”) as conveyed in the said Deed are both subject to the Restrictive Covenants for the Radford Industrial Center dated October 24, 1988, recorded in the aforesaid Clerk’s Office in Deed Book 135, Page 704 (the “Restrictive Covenants”), and which Restrictive Covenants are incorporated herein by reference and made a part hereof; and

**WHEREAS**, the Restrictive Covenants at Provision A (“Provision A”), as set forth therein, requires the owner of any lot in the Radford Industrial Center to comply with the completion requirements for improvements to be made on any such lot within a period of twelve (12) months from the date of conveyance of any such lot located therein; and

**WHEREAS**, at the time Revised Lot 12 was conveyed to TechLab by the Authority in the said Deed on December 20, 2011, a facility improvement had already been constructed or erected and located upon Revised Lot 12, pursuant to the improvement requirements set forth in Provision A of the Restrictive Covenants; and

**WHEREAS**, at the time Revised Lot 11 was conveyed to TechLab by the Authority in the said Deed on December 20, 2011, a facility improvement had not been constructed or erected or located upon Revised Lot 11, and a request was made by TechLab, unto the City, prior to the date of conveyance or transfer of title to TechLab of Revised Lot 11, for the City to extend the twelve (12) month period set forth in the Restrictive Covenants from the date of conveyance or transfer of title for facility improvements to be made to Revised Lot 11, as set forth in Provision A, of the aforesaid Restrictive Covenants to an extended period of thirty six (36) months from the date TechLab acquired title to Revised Lot 11, and the City agreed to extend the term as requested, pursuant to a duly approved resolution of the Radford City Council (the “Council”) adopted on December 12, 2011, and the City and TechLab thereafter entered into a Waiver and Extension Agreement dated December 20, 2011 (the “Agreement”) recorded on December 20, 2011, in the aforesaid Clerk’s Office as Instrument

Number 201101223, extending the term of the period for improvements to be made or completed upon the said Revised Lot 11, for a period of thirty-six (36) months from the date of December 20, 2011 to the extended date of December 20, 2014; and

WHEREAS, TechLab thereafter made an additional request to modify and extend the term of the Agreement between the City and TechLab, for an additional period of five (5) years, for the facility improvements to be made upon Revised Lot 11, as required under Provision A of the Restrictive Covenants, thereby resulting in a request to extend the term for compliance under the Agreement for a total period of eight (8) years, from the date of December 20, 2011 to the date of December 20, 2019, to comply with the improvement requirements of Provision A, in the Restrictive Covenants, for Revised Lot 11; and

WHEREAS, the Council of the City of Radford approved the request pursuant to a duly approved Resolution adopted on April 25, 2016, a copy of which is attached hereto, and recorded herewith, and made a part hereof, as requested by TechLab, and the parties hereto enter into this Amended and Restated Agreement to set forth the modifications and revisions of the original Agreement dated December 20, 2011, between the City and TechLab as to Revised Lot 11: and this Amended and Restated Agreement supersedes and replaces the Agreement dated December 20, 2011, and recorded as aforesaid as Instrument Number 201101223.

NOW, THEREFORE, that for and in consideration of the mutual covenants herein contained, and other good and valuable consideration, the receipt and sufficiency of which are hereby mutually acknowledge, the City and TechLab do hereby modify and amend the aforesaid Agreement, and hereby replaces the Agreement with the following amended and restated provisions as set forth herein in this Amended and Restated Agreement, as follows:

1. The City hereby grants unto TechLab, and unto their successors and assigns, a waiver and extension of the time period set forth in Provision A, of the Restrictive Covenants for Radford Industrial Center dated October 24, 1988, recorded in the Clerk's Office of the Circuit Court of the City of Radford, Virginia in Deed Book 135, Page 704 *et. seq.*, for a total period of eight (8) years, beginning on the date of December 20, 2011, until the date of December 20, 2019, to comply with the requirements for facility improvements to be made and completed upon Revised Lot 11, containing 7.201 Acres in the Radford Industrial Center of the City of Radford, as provided for in Provision A, of the Restrictive Covenants of the Radford Industrial Center.

Except as amended and restated hereinabove, nothing herein shall be construed or interpreted from releasing Techlab, Inc., or their successors or assigns, or the property identified herein as Revised Lot 11, from compliance with any and all other obligations, provisions, agreements, reservations, restrictions, or covenants affecting the said Revised Lot 11, or in completing or complying with any other obligations, provisions, agreements, reservations, restrictions, or covenants affecting the said Revised Lot 11, including but not limited to any and all of the other and remaining provisions of the Restrictive Covenants for the Radford Industrial Center dated October 24, 1988, and recorded in Deed Book 135, Page 704, in the aforesaid Clerk's Office, and which Restrictive Covenants shall remain in full force and affect, except as amended and restated herein.

Techlab, Inc. joins into this Amended and Restated Agreement to consent to and to acknowledge the terms and conditions as amended and restated herein.

David C. Ridpath, the Radford City Manager, executes this Amended and Restated Agreement for and on behalf of the City of Radford, Virginia, pursuant to the authority granted unto him in a duly authorized and approved Resolution of the Radford City Council adopted on April 25, 2016, a copy of which is attached hereto and recorded herewith.

**WITNESS** the following signatures and seals:

**CITY OF RADFORD, VIRGINIA,**  
A Virginia municipal corporation

By: \_\_\_\_\_(SEAL)  
David C. Ridpath, City Manager

Attest:

\_\_\_\_\_  
Melissa A. Skelton, City Clerk

Approved as to form:

\_\_\_\_\_  
Gail Cook DeVilbiss  
Radford City Attorney

STATE OF VIRGINIA  
CITY OF RADFORD, to-wit:

The foregoing instrument was acknowledged before me this \_\_\_\_ day of April, 2016, by David C. Ridpath, City Manager, for and on behalf of the City of Radford, Virginia .

My Commission Expires: January 31, 2019  
Notary Registration Number: 218365

\_\_\_\_\_  
Notary Public

**TECHLAB, INC.**  
A Virginia corporation

By: \_\_\_\_\_ (SEAL)  
Name: \_\_\_\_\_  
Title: \_\_\_\_\_

STATE OF VIRGINIA  
CITY OF RADFORD, to-wit:

The foregoing instrument was acknowledged before me this \_\_\_\_ day of April, 2016, by \_\_\_\_\_, the \_\_\_\_\_, for and on behalf of TechLab, Inc. a Virginia corporation.

My Commission Expires: \_\_\_\_\_  
Notary Registration Number: \_\_\_\_\_

\_\_\_\_\_  
Notary Public



PROVEN PERFORMANCE IN  
GI DISEASE DIAGNOSTICS

Basil Edwards  
Director, Economic Development  
City of Radford

April 1, 2016

RE: Restrictive Covenants for Radford Industrial Center Lot 11

Dear Mr. Edwards,

By this letter TechLab, Inc. is requesting waiver and modification by the City Council of the City of Radford as to the extension of time referred to in Provision A of the Restrictive Covenants for Radford Industrial Center Lot 11 for an additional 60 months from the current date of December 12, 2014 to December 12, 2019.

It is the intent of TechLab, Inc. to pursue commercial development and usage of the aforementioned property within the course of the requested waiver time, economics permitting. We are currently investigating the cost of a proposed storage facility on the site to support the existing manufacturing facility located on the adjacent Lot 12, also owned by TechLab, Inc.

TechLab, Inc. considers Radford Industrial Center Lot 11 essential to our ability to conduct the business located on Lot 12 as well as for future expansion and requests that this waiver be approved.

Best Regards,

Robert Day  
Chief Operating Officer  
TechLab, Inc.



*The "New River" City*

*Radford Industrial Development Authority*

December 20, 2011

TechLab, Inc.  
Attention: Charles Pennington  
2001 Kraft Drive  
Blacksburg, Virginia 24060

COPY

Re: Restrictive Covenants for Radford Industrial Center  
Lot 11, Radford Industrial Center

Dear Mr. Pennington:

This letter shall serve as confirmation that the Industrial Development Authority of the City of Radford, Virginia requested a waiver and modification by the City Council of the City of Radford as to the extension of time referred to in Provision A of the Restrictive Covenants for Radford Industrial Center of recorded in the Clerk's Office of the Circuit Court of the City of Radford, Virginia in Deed Book 135, Page 704, et seq., from twelve (12) months to thirty-six (36) months from the date TechLab, Inc. acquires title to Lot 11, Radford Industrial Center, in the West Ward of the City of Radford, Virginia 24-(2)-SEC 2-11-12. The City Council on Monday, December 12, 2011 approved the extension by Resolution of Council, a copy of which is attached.

The waiver and modification as set forth herein, is subject to the approval of the City Council and is further subject to completion of the Agreement the consent and acquisition consent is with the approval of City Counsel, as required in the aforesaid restrictive covenants.

Kindest regards,

Basil Edwards  
Director, Economic Development



RESOLUTION TO EXTEND THE TIME PERIOD FOR COMPLIANCE IN THE  
RESTRICTIVE COVNANTS FOR RADFORD INDUSTRIAL CENTER FOR  
FACILITY IMPROVEMENTS FOR REVISED LOT 11 CONTAINING 7.201  
TAX MAP NUMBER 37-(2)-Sec 2-11

WHEREAS, the City of Radford formed the Radford Industrial Center (the "Radford Industrial Center") upon certain real property owned at the time by the City of Radford, Virginia and created lots within the Radford Industrial Center, pursuant to a plat of survey entitled, "Radford Industrial Center - West Ward - City of Radford", dated March 4, 1987, made by Anderson and Associates, Inc., pursuant to a Certificate filed thereunto, which project is identified and referred to therein and herein as the "Radford Industrial Center", and the City of Radford further established and imposed Restrictive Covenants for the Radford Industrial Center, dated October 24, 1988, for the said lots created upon the aforesaid plat of survey, and caused the same to be recorded in the Clerk's Office of the Circuit Court of the City of Radford, Virginia in Deed Book 135, Page 704 (the "Restrictive Covenants"), which Restrictive Covenants are incorporated herein by reference and made a part hereof; and

WHEREAS, the Restrictive Covenants affect and apply to each and every lot in the Radford Industrial Center, and as amended or revised thereunto, to provide that each lot therein shall be used for commercial, manufacturing and/or industrial enterprises as those terms are used and defined in Section 15.1-1374 of the Code of Virginia, 1950, as amended, in effect on the date thereof and further as recited there in that said lots shall further be used in such a manner as to develop trade and increase commerce in the City of Radford and in the Commonwealth of Virginia, as set forth in the Restrictive Covenants; and

WHEREAS, Provision A of the Restrictive Convents, as set forth on Page 705, in Deed Book 135, further set forth a time period from the date of transfer of title, lease or right of use, of any lot, for erecting and/or providing a commercial, industrial or manufacturing facility or facilities, with any related office, storage and other facilities, which said use must commerce, or the construction and other meaningful steps required for such use must be substantially undertaken within twelve (12) months from the date of any conveyance or transfer thereof and further included therein by the City a right of re-conveyance, at its option, should the same not be so utilized within the period specified and the right to waive or modify the same; and

WHEREAS, the Industrial Development Authority of the City of Radford, Virginia (the "Authority") has acquired title to property in the Radford Industrial Center which is identified as Revised Lot 11 containing 7.201 Acres (hereinafter "Lot 11") and Revised Lot 12 containing 6.241 Acres (hereinafter "Lot 12"), and the Authority has entered into a Agreement dated February 17, 2011, to sell Lot 11 and Lot 12 in the Radford Industrial Center unto TechLab, Inc., a Virginia corporation,

WHEREAS, Lot 12 currently has an existing facility located thereon, which facility was constructed by a prior owner, and the proposed purchaser, TechLab, Inc. has expended considerable funds on improvements to the existing facility to upgrade and modernize the facility

in anticipation of TechLab, Inc., re-locating a portion of their commercial business to the Radford Industrial Center; and

WHEREAS, Lot 11 currently does not have an improved facility located thereon, and TechLab, Inc. has made as a condition of their Agreement to purchase Lot 11 and Lot 12 from the Authority, and provided closing occurs, a requirement for an extension and modification of the time period for facility construction on Lot 11 from the existing twelve (12) month period to a thirty-six (36) month period from the date of conveyance of Lot 11, to comply with the provisions required in the existing Covenant A of the Restrictive Covenants; and

WHEREAS, the City of Radford no longer has an ownership interest in Lot 11 or Lot 12, provided however, City Council had reserved for the City of Radford in the Restrictive Covenants at Provision A, the right to waive and extend the time period for compliance as set forth in Provision A, for reasonable cause, and as further stated therein, Council shall be the sole judge of what may constitute reasonable cause.

WHEREAS, City Council desires to approve the waiver and extension in Provision A of the Restrictive Covenants for Lot 11, as requested by Techlab, Inc., to allow the additional time period of thirty-six (36) months for TechLab, Inc., and or their successors or assigns to make the required improvements to Lot 11; and

WHEREAS, City Council finds there is reasonable cause to allow the waiver and extension of the time period for facility improvements for Lot 11 in Covenant A of the Restrictive Covenants and that such extension is appropriate and in the best interest of the City for the sale and conveyance by the Authority of both Lots 11 and Lot 12 to TechLab, Inc.; and

NOW, THEREFORE, BE IT RESOLVED, by the City Council of the City of Radford, Virginia authorizing and consenting to the extension of the time period set forth in Provision A of the Restrictive Covenants For Radford Industrial Center dated October 24, 1988, recorded in the Clerk's Office of the Circuit Court of the City of Radford, Virginia in Deed Book 135, Page 704 *et. seq.*, from the existing twelve (12) month requirement period for compliance with Provision A to a thirty-six (36) month period of time for compliance with Provision A, as the same shall apply to Revised Lot 11 containing 7.201 Acres, Tax Map Number 37-(2)-Sec 2-11 in the Radford Industrial Center, in the West Ward of the City of Radford, Virginia from the date of transfer by the Authority to Techlab, Inc.

AND IT IS FURTHER RESOLVED, the City Attorney is hereby directed to prepare such legal document as may be required or necessary to set forth this waiver and extension as to Revised Lot 11 containing 7.201 Acres among the land records of the Clerk's Office of the Circuit Court of the City of Radford for and on behalf of the City as resolved herein; and

IT IS FURTHER RESOLVED, the Mayor or the City Manager are hereby authorized to execute such document as prepared by the City Attorney, or as may be required to effectuate this waiver and extension for and on behalf of the City, as stated herein.

This Resolution shall be effective on the date of passage hereof by the City Council of the City of Radford, Virginia.

ADOPTED by this Resolution of City Council on this 12<sup>th</sup> day of December, 2011.

A Motion to accept the aforesaid Resolution was made by Mr. Nicholson, and Seconded by Dr, Harshberger.

Recorded Vote: Mr. Cox:	Yes
Mr. Marshall:	Yes
Dr. Hashberger:	Yes
Mr. Nicholson:	Yes
Mayor Brown:	Yes

  
Dr. Bruce Brown, Mayor

I, Melissa A. Skelton, Deputy City Clerk of the City of Radford, Virginia do hereby certify that the aforesaid Resolution was adopted and passed by the City Council of the City of Radford, Virginia, at a regular meeting of the City Council on the 12<sup>th</sup> day of December, 2011.

ATTEST:

  
Melissa A. Skelton, Deputy City Clerk

